

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

AMIR WHITEHURST, :
 :
 Plaintiff : CIVIL ACTION NO. 3:17-903
 :
 v. : (JUDGE MANNION)
 :
 LACKAWANNA COUNTY, :
 et al., :
 :
 Defendants :
 :

ORDER

In accordance with the memorandum issued this same day, **IT IS**
HEREBY ORDERED THAT:

1. All defendants' objections to the pending report and recommendation (**Docs. 129-30, 131, 132, 133-34**) are **OVERRULED**.
2. The pending report and recommendation (**Doc. 128**) is **ADOPTED IN ITS ENTIRETY**.
3. Defendants "John/Jane Doe(s)" are **DISMISSED** from this action pursuant to Rule 21 of the Federal Rules of Civil Procedure;
4. All claims against defendants in their *official capacity* are **DISMISSED** as redundant, pursuant to the Court's inherent authority to control its docket and avoid duplicative claims;
5. All claims against defendants Patrick O'Malley, James Wansacz, Ed Staback, Robert McMillian, Alexis Mortizkat, Amy Collarini, Raenn Rodriguez, Nicole Ortona, Nurse Ken, Sean Sayer, Nicholas Hughes, Mark Johnson, Donald Lavin, Brian Hughes, Robert Mazzino, Trent Antione, Jason Ortona, Joseph Aloe, John

Trama, Lee Myers, Jeffrey Robinson, Robert Gerrity, Paul Soprinski, Joseph Doughty, Bryan Ancherani, John Delfino Jr., and Joseph Gorton in their *personal capacity* are **DISMISSED** for failure to state a claim upon which relief can be granted, *without* leave to amend, pursuant to 28 U.S.C. §1915A(b)(1) and 42 U.S.C. §1997e(c)(1);

4. The plaintiff's claim for punitive damages against Lackawanna County is **DISMISSED** for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. §1915A(b)(1) and 42 U.S.C. §1997e(c)(1);
5. The defendants' motions for summary judgment (**Doc. 97; Doc. 99; Doc. 101; Doc. 104**) are **GRANTED in part and DENIED in part**;
6. The Clerk is directed to enter **JUDGMENT** in favor of the defendants and against the plaintiff with respect to (a) the plaintiff's ADA claims against all defendants, (b) his §1983 First Amendment retaliation claims against defendants Cole and Kaczmarek, and (c) his state law vicarious liability claims against defendants CCI, Dr. Edward Zaloga, and Dr. Satish Mallik; and
7. The plaintiff's §1983 Fourteenth Amendment deliberate indifference claims against Dr. Zaloga and Dr. Mallik, his §1983 Monell municipal and corporate liability claims against Lackawanna County and CCI, his state law medical negligence claims against Dr. Zaloga and Dr. Mallik, and his state-law corporate liability claim against CCI will be set down for trial.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: October 15, 2020

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